

## Maine Revised Statutes

### Title 12: CONSERVATION

#### Chapter 913: GENERAL LICENSE AND PERMIT PROVISIONS

HEADING: PL 2003, c. 414, Pt. A, §2 (new); Pt. D, §7 (aff); c. 614, §9 (aff)

#### §10909. TAXIDERMISTS AND DEALERS IN FURS; SUSPENSION OF LICENSE

The commissioner shall investigate or cause to be investigated all complaints made to the department and all cases of noncompliance with or violation of sections 12952 and 12953 and this section. A person may register a complaint of fraud, deceit, gross negligence, incompetency or misconduct against any licensee. The complaint must be in writing, be sworn to by the person making it and filed with the department. [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]

**1. Disciplinary action.** The commissioner may suspend or revoke a license pursuant to this subchapter and Title 5, section 10004. The commissioner may refuse to issue or renew a license or the District Court may revoke, suspend or refuse to renew a license for any one of the following causes:

A. Procuring a license by fraud or deceit practiced upon the department or a purchaser; [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]

B. Failure to meet the competency standards established pursuant to section 12952; [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]

C. Engaging in the art of taxidermy under a false name or alias with fraudulent intent; [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]

D. Incompetence, negligence or neglect in the conduct of the practice of taxidermy, including, but not limited to, entering into a contractual agreement with a customer to provide services and then failing, without just cause, to provide the services as agreed; [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]

E. Failure to meet the qualifications for a license, including, but not limited to, failing to pass a reexamination pursuant to section 12953, subsection 5; or [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]

F. For any violation of this section or section 12952 or 12953 or any rules adopted pursuant to subsection 5; section 12952, subsection 5; or section 12953, subsection 8. [ 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §108 (AMD); 2003, c. 655, Pt. B, §422 (AFF). ]

[ 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §108 (AMD); 2003, c. 655, Pt. B, §422 (AFF). ]

**2. Reissue of license.** The commissioner may reissue a license to any former licensee whose license has been revoked.

[ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]

**3. Hearings.** Hearings may be conducted by the commissioner to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license or as otherwise necessary to implement the provisions of this section and sections 12952 and 12953. The commissioner shall hold an adjudicatory hearing at the written request of a person who has been denied a license without a hearing for any reason other than failure to pay a required fee, as long as the request for hearing is received by the commissioner within 30 days of the applicant's receipt of written notice of the denial of the application, the reasons for the

denial and the right to request a hearing. Hearings must be conducted in conformity with Title 5, chapter 375, subchapter 4, to the extent applicable. The commissioner may subpoena witnesses, records and documents in any hearing the commissioner conducts.

[ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

**4. Terms of revocation of license.** A person whose license has been revoked under this section is ineligible to apply for a new license for a minimum of 3 years.

[ 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §109 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

**5. Rules.** The commissioner may adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2003, c. 655, Pt. B, §110 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

#### SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B108-110 (AMD). 2003, c. 655, §B422 (AFF).

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